

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Wellington Dry Coal
Permit #: C/007/045

CO # 21198
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The Permittee failed to have adequate bond during an inspection. The Division identified that the bond was inadequate during a mid-term review. A letter was sent to the permittee giving a deadline to update the bond. Permittee did not update the bond, therefore Cessation Order was issued during an inspection after the deadline.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

X☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The permittee receive a letter from the Division to update the bond after a mid-term review. Meeting with permittee were held prior to the Division letter. Permittee fail to update the bond by a given date. An inspection was conducted after the deadline in the letter. The inspector wrote a Cessation Order for failure to have adequate bonding amount.

☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: _____

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The CO was issued on September 19, 2017, and the bond was updated on September 29, 2017. The CO was terminated on October 2, 2017. The abatement date was 90 days.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.


Explanation: It depend if Permittee had the financial ability to increase the bond

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: A submittial of increase bond to the Division was required.

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # _____
Violation # _____ of _____

_____ Stephen J. Demczak		_____ October 10, 2017
_____ Authorized Representative	_____ Signature	_____ Date

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